

### III. REMARKS

Claims 19-31 are pending in this application. Claims 19-31 are amended. Claims 1-7 are canceled. Claims 8-18 were previously canceled. Claims 19-31 are rejected under 35 USC 112, second paragraph, as allegedly being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-7 are rejected under 35 USC 102(e) as allegedly being anticipated by or in the alternative, under 35 USC 103(a) as allegedly being obvious over (PDR for Herbal Medicines, First Edition, *Salix Species*, pages 1111-1112, copyrighted 1998) (referred to herein as "PDR") or (The Healing Herbs, The Ultimate Guide to the Curative Power of Nature's Medicines, *White Willow*, pages 369-371, copyrighted 1991) (referred to herein as "Healing Herbs").

Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the claims in a subsequent patent application that claims priority to the instant application.

#### A. EXAMINER INTERVIEW SUMMARY

An examiner initiated examiner interview was conducted on September 1, 2010 between Examiner Randall O. Winston for the USPTO and David E. Rook for the Applicant. The Amendment filed June 16, 2010 was discussed. Examiner indicated that claims 19-31 appear to be allowable if claims 1-7 were canceled. Examiner stated

primary examiner was in agreement and he was seeking approval from supervisory examiner. An examiner initiated examiner interview was conducted on September 3, 2010 between Examiner Randall O. Winston for the USPTO and David E. Rook for the Applicant. The Amendment filed June 16, 2010 was discussed. Examiner indicated that claims 19-31, subject to amendments to address 35 USC 112 second paragraph issues, are allowable if claims 1-7 were canceled. Examiner stated supervisory examiner had approved. Applicant requested that a Final Office Action be issued detailing the 35 USC 112 second paragraph rejections. No exhibits were presented. No further agreements were reached as to the rejections or the claims.

#### B. REJECTION OF CLAIMS 15-17 UNDER 35 USC 112, Second Paragraph

With regard to the 35 USC 112, second paragraph, rejection of claims 19-31, in order to facilitate early allowance of the remaining claims and without conceding the Office's rejections, claims 19-31 are amended herein (refer to "II. Amendments to the Claims" *supra*).

Entry of these amendments is proper under 37 C.F.R. 1.116(b) because the amendments: (a) place the application in condition for allowance as discussed *supra*; (b) do not raise any new issues requiring further search and/or consideration; and (c) place the application in better form for appeal.

Applicant respectfully requests withdrawal of these rejections and submits these claims are in condition for allowance.

### C. REJECTION OF CLAIMS 1-7 UNDER 35 USC 102(e) and 103(a)

With regard to the 35 USC 102(e) and 35 USC 103(a) rejection over PDR or Healing Herbs, Applicant asserts that PDR or Healing Herbs do not teach each and every feature of the claimed invention and PDR or Healing Herbs do not suggest each and every feature of the claimed invention.

Without conceding the Office's interpretation of the claimed invention and the prior art, Applicant has canceled claims 1-7 in accordance with an agreement to allow claims 19-31, as amended, to address 35 USC 112 second paragraph rejections.

#### **IV. CONCLUSION**

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

/David E. Rook/

David E. Rook  
Reg. No.: 40,790

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Hoffman Warnick LLC  
75 State Street, 14th Floor  
Albany, New York 12207  
(518) 449-0044  
(518) 449-0047 (fax)